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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,743	08/28/2001	Takeyuki Kawase	33906	5154

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EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 10/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,743

Applicant(s)

KAWASE ET AL.

Examiner

Minh Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 12-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed in paper No. 9 (dated 9/2/2003) has been fully considered and made of record.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2, 4 and 6-11 are objected to because of the following:

“The parts ” (claims 2, 4 and 6-11, line 1) should be changed to: --The electronic parts--, to reflect the changed to the preamble. Appropriate correction is required.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following are examples:

a) “the sucked parts” (claim 1, line 8); “the parts”(claim 1, line 15) lacks proper antecedent basis.

b) The phrase: “at each group”(claim 1, line15) should be changed to: --by the first and second groups-- to be consistent with the changes made in lines 10 and 12 of claim 1.

c) “wherein the suction nozzles . . . simultaneously suction”(claim 1, lines 9-13) is vague, indefinite and/or confusing since it is unclear which suction nozzles applicants are referring to.

d) "the part sucked by the suction nozzles and suction nozzles" (claim 2, lines 2-3) is not clear because it is not known as to whether "the suction nozzles" as repeat recited in the claim is directed to the first group of suction nozzles or the second group of suction nozzles. Also "the sucked part" lacks proper antecedent basis.

e) "the sucked parts " (claim 3, line 8); "the parts "(claim 3, line 13); "the part sucked " (claim 3, line 14); "the parts" (claim 3, line 19); etc., lack proper antecedent basis.

f) It is also not known whether "the suction nozzles and the suction nozzles" (claim 3, lines 14-15) are the same and what are they in relation to the first or the second group of suction nozzles as previously recited in claim 3, lines 10-11.

g) "the sucked parts " (claim 5, line 8); "the parts "(claim 5, line 13); "the part sucked " (claim 5, line 14); and many others, lack proper antecedent basis.

h) It is also not known whether "the suction nozzles and the suction nozzles" (claim 5, lines 14-15) are the same and what are they in relation to the first or the second group of suction nozzles as previously recited in claim 3, lines 10-11. It is suggested that applicants should carefully review and amend the claims to make it consistent and accurate with the changed to the claim languages in order to clarify the claimed subject matter. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 2, as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0854670 to Takashi et al.

Takashi et al discloses the electronic parts mounting method comprising: moving a suction section, including a plurality of suction nozzles 10, 11, to a part supply section in which a plurality of parts are stored so that they can be sucked at the same time (Fig, 1), sucking the parts stored in the part supply section 4 onto the plurality of suction nozzles at the same time (see the discussion in the abstract, lines 4-6), mounting the sucked parts on a board 19 (col.9, lines 25-38), wherein the suction nozzles classified into groups 10, 11 according to their shift amount, the shift mount of the suction nozzles in each group are within an allowable range for simultaneous suction are set different in each group (see Fig. 1, and the discussion at col. 4, lines 40-45 and col. 17, lines 52-57).

As applied to claim 2, Takashi et al teach the shift amount is defined between the parts sucked by the suction nozzles (see the discussion at col. 4, lines 38-44). Note that the elevating and lowering the sucking nozzles of the first and the second mounting heads read on the shift amount which is defined between the parts sucked by the suction nozzles of the present invention.

7. Claims 1, 2, and 10, as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (APA), [see Fig. 14 and the

discussion in the specification pages 1-3] in view of JP patent No. 04-64283 to Tokio et al. As set forth in the last Office Action dated 6/03/03.

8. Claims 9 and 11, as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over APA or Tokio et al as applied above and further in view of Tsubouchi et al. As set forth in the last Office Action dated 6/03/03.

Response to Arguments

9. Applicant's arguments with respect to the rejected claims 1, 2, 10 and 11 have been considered but are not persuasive. For the following reasons:

a) The Amendment to the claims have not overcome the objections and the rejection under 112 second paragraph (refer to the discussion in paragraph 3-4).

b) Applicants argue that Tokio et al does not describes the classifying suction nozzles into groups based on within or allowable range for simultaneous suction (see "remarks", page 10). The examiner disagrees. Applicants are referred the abstract of Tokio et al, lines 1-17, which describes the two mounting heads 15 and 16 being independently operable based upon a predetermined position (working range) for simultaneous suction. Therefore, the limitation: "the suction nozzles are classified into groups, " as recited in the rejected claims is still met by Tokio et al.

c) This application contains claims 12-16 drawn to a nonelected invention (see Paper No. 7). A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

d) Claims 3-8 would be allowable if rewritten to overcome the objection and the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The reasons for the indication of allowable subject matter of the claims 3-8 are set forth in the last Office Action dated 6/3/2003.

Interviews After Final

10. Applicants note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing). Such an interview may be granted if the examiner is convinced that disposal or clarification for appeal may be accomplished with only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations which would require more than nominal reconsideration or new search will be denied. See MPEP 714.13 and 713.09.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

mt
October 14, 2003



PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700